IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

W.P.NO. 1458 /2004

PETITIONER

Rahul Tripathi, aged about 19 years, son of Late Pankaj Kumar Tripathi, Resident of – Primary School, in front of Mudapar, S.E.C.L. Korba, District Korba (CG)

P. R. No. 1335/04 Presented by shri N. Shastri Adv.

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through : Secretary, Department of Power and Energy Kalyan Bhawan, Raipur (Chhattisgarh)

2. Chhattisgarh State Electricity Board, Raipur (Cg)

3. Madhya Pradesh Vidyut Mandal Bhopal, Bhopal (MP)

4. Union of India New Delhi

Attested 8/8 24/8/04

Amended as per order dated 13-8-2004 in CP 24/8

WRIT PETITION UNDER ARTICLES 226/ 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN FORM OF MANDAMUS OR ANY OTHER FORM OR DIRECTION OR ORDER AS THE FACTS AND CIRCUMSTANCES OF THE CASE WARRANT

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.1458/ **सन्** 2004

(108)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	6-7-2006 Mr. G.S. Agrawal, Senior Advocate with Mr. K.R. Nair, Advocate for the petitioner. Miss Deepali Pandey, Panel Lawyer for the State/respondent No.1. Mr. A.S. Gaharwar, Advocate, with Mrs. Rita Halder, counsel for respondent No.2. Mr. Vivek Verma, counsel for respondent No.3. Mr. S.K. Beriwal, Central Govt. Counsel for respondent No.4. The petitioner, who is son of Late Pankaj Tripathi who died on account heart attack on 11-12-1998 while working as Assistant Mechanic Grade-I in the services of respondent No.3, has filed this writ petition under Article 226/227 of the Constitution of India, to consider his case for compassionate appointment. The case of the petitioner is that on the death of his father, his mother Vandana Tripathi moved an application for compassionate appointment on 18-1-1999 (Annexure P-2) before respondent No.3. As mother of the petitioner was aiready aged about 35 years, therefore, she was informed that she is not entitled for compassionate appointment on account of over age. At that time, the petitioner had not completed the age of 18 years, therefore, he was also not entitled for compassionate appointment and he attained the age of majority on 24-11-2003, as such, he applied for compassionate appointment on 12-4-2004 vide Annexure P-4. The respondents are not considering the case of the petitioner for compassionate appointment, therefore, they be directed to consider the case of the petitioner for compassionate appointment. Reply has been filed on behalf of respondent No.2 CSEB to the effect that as per the policy dated 28-2-2004, dependants of those employees who died on or after 15-11-2000 are entitled for compassionate appointment. I have heard learned counsel for the parties.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

109

आदेश पत्रक

मामला क्रमांक W.P/1458/ **सन्** 200 4

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Father of the petitioner was working at Korba, which falls in the territorial jurisdiction of CSEB. It is true that on reorganisation of the State, MPEB was bifurcated with effect from 15-11-2000, but as per the decision of Union of India and as per the agreement entered into between representatives of both the States in a meeting taken by Secretary (Power) on 20th March, 2003, the two States agreed regarding the division of employees as per the territorial jurisdiction of successor States. It has been decided to divide the posts and employees on the lines followed by DOPT for allocation of posts and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective State and similarly employees belonging to such sub State territorial cadres being allocated to concerned State.

Father of the petitioner was working in the territorial jurisdiction of CSEB, as such, it is the liability of CSEB to consider the case of compassionate appointment of the petitioner, as his father was employee in the territory of CSEB. Therefore, the cut of date in view of the above division is of no avail to the respondent CSEB and CSEB has liability to consider the cases of all those employees who even died prior to 15-11-2000, working in the territorial area of the existing CSEB. Even the State of Chhattisgarh, which came into existence on 1-11-2000 under the M.P. Reorganisation Act, 2000, has decided that the dependants of those employees who died on or after 1-11-1997 shall be eligible for consideration of appointment on compassionate ground.

In the circumstances, the respondents are directed to consider the case of the petitioner for compassionate appointment.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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20.3.12
11/3/12